

Apr 28 2021

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

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Attorneys for Defendant
PCPC DIRECT, LTD.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SUPER MICRO COMPUTER, INC., a Delaware)
corporation;)
)
Plaintiff,)
)
vs.)
)
PCPC DIRECT, LTD.; a Texas Limited)
Partnership;)
)
Defendant.)

CASE NO. 5:20-cv-6648-NC
STIPULATION AND ORDER RE:
DISMISSAL AND RETENTION OF
JURISDICTION

Plaintiff Super Micro Computer, Inc. ("Super Micro") and Defendant PCPC Direct, Ltd. (hereinafter "Defendant") hereby stipulate, agree and respectfully request that the Court issue an order dismissing this action and retaining jurisdiction over the parties' settlement agreement. The parties submit the following facts in support of this request:

1. The parties have reached a settlement in this action.
2. The terms of the settlement involve performance over time.

STIP & ORDER TO DISMISS
AND RETAIN JURISDICTION
CASE NO. 5:20-CV-6648-NC

1 3. The settlement includes a stipulation for entry of judgment that permits Super
2 Micro to seek entry of a stipulated judgment if there is a default of certain terms under the
3 settlement agreement.

4 4. The parties have agreed to jointly request that the Court dismiss the case pursuant
5 to Federal Rule of Civil Procedure 41(a) and retain jurisdiction over the terms of the settlement
6 agreement and enforcement of the stipulation for entry of judgment until all conditions of the
7 settlement agreement have been performed.

8 **IT IS SO STIPULATED.**

9 Dated: April 28, 2021

10 BIALSON, BERGEN & SCHWAB

TURNING POINT LAW

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12 By: /s/ Thomas A. Burg
13 Thomas A. Burg¹
14 Attorneys for Plaintiff
15 SUPER MICRO COMPUTER, INC.

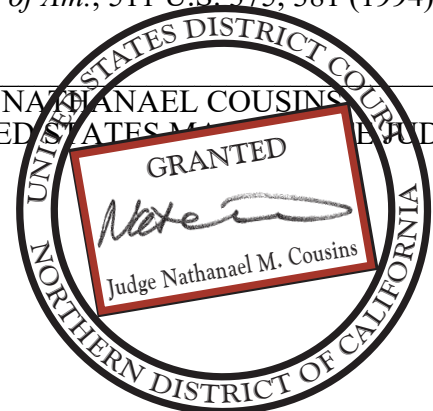
By: /s/Austin G. Bosarge
Austin G. Bosarge
Attorney for Defendant
PCPC DIRECT, LTD.

16 **PURSUANT TO STIPULATION IT IS SO HEREBY ORDERED AS FOLLOWS:**

17 IT IS HEREBY ORDERED THAT this action and all claims asserted herein are
18 DISMISSED with prejudice. The Clerk of the Court is directed to administratively close this
19 case. Any party may move to reopen the case, provided that such motion is filed by October 2,
20 2023. All scheduled dates are VACATED. The Court retains jurisdiction over this case until
21 October 15, 2023. *See Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 381 (1994).

22 Dated: April 28, 2021

By: _____
HON. NATHANAEAL COUSINS
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA



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28 _____
¹ Pursuant to Local Rule 5-1(i)(3), I, Thomas A. Burg, the filer of this document, attest that all other signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.